

### **Remarks**

Reconsideration and allowance in view of the foregoing amendments and the following remarks are requested. By this amendment, Applicant has amended claims 12 and 13 and cancelled claim 7. Thus, claims 8-13 are pending in the application. No new matter has been added by the amendments. Applicant respectfully requests reconsideration of the Rejections, which are discussed below.

### **Examiner Interview**

The Applicant's representative wishes to thank Examiner Stashick and Examiner Volz for the courtesies extended during the personal interview conducted on August 4, 2010. During the interview, possible amendments were discussed for the purpose of overcoming the rejections under 35 U.S.C. §112, first paragraph. Additionally, the general functioning of the claimed invention and the teachings of the cited prior art were discussed. The foregoing amendments are consistent with these discussions, and have been made in hopes of differentiating the claims from the cited prior art.

### **Claim Objections**

Claim 12 was objected to for a typographical error in line 4 in which "half-shells" was misspelled as "half-sells." Claim 12 has been amended to correct this error. Applicant respectfully requests that this objection be withdrawn.

Claim 7 was objected as being in improper dependent form for failing to further limit the subject matter of a previous claim. Claim 7 has been canceled rendering this objection moot.

### **Claim Rejections**

Claims 7-12 were rejected under 35 U.S.C. §112, first paragraph, as failing to

comply with the written description requirement. Specifically, the Office Action asserts that “a first connection means with a firm connection and a form-fit or snap engagement” and “a second connection” as used in claim 12. By this amendment, claim 12 has been amended to change the phrase “a first connection means” to “an engagement means” and “a second connection means” to “a connection means.” Support for the phrase “engagement means” is found in the Specification in the paragraph beginning at the bottom of page 2 and continuing on page 3. One example embodiment of “engagement means” is a collar on one of the half-shells which engages the mouth portion of the other half-shell.

The “firm connection and a form-fit or snap engagement” is described in the Specification at page 3, lines 2-8. Claim 7 has been cancelled rendering its rejection under 35 U.S.C. §112, first paragraph, moot. Claims 8-11 depend, either directly or indirectly, from claim 12 which has been amended to address the rejections for failing to comply with written description requirement. Applicant respectfully requests the rejections be withdrawn.

Claims 7, 8, 12 and 13 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,417,339 to Liu (“Liu”) in view of U.S. Patent No. 4,212,415 to Neely (“Neely”). Claim 7 has been cancelled rendering its rejection under 35 U.S.C. §103(a) moot. Applicant respectfully traverses each of the rejections and submits that none of the cited prior art, taken alone or in combination, discloses or suggests each and every feature of the present claims.

Independent claim 12 recites several features not found in the cited references. Claim 12 requires that the two half-shells are engaged together such that the half-shells

remain connected together when the container is in the open position while still permitting limited movement of one half-shell relative to the other, in a direction perpendicular to the plane of the mouth. The Office Action cites to Figs. 1 and 2 of Liu as disclosing an articulation means which permits a limited movement of one half-shell relative to the other in a direction perpendicular to the plane of the mouth. Liu shows that the lid of the disclosed parts container has a flexible strip 24 which has a flexible barb 241 which engages with aperture 16 of the box. Liu, col. 2, lines 52-65, Fig. 2. The configuration shown in Liu, results in the flexible strip 24 being held firmly in place while it is engaged. No movement of one half-shell relative to the other, in a direction perpendicular to the plane of the mouth, as required by claim 12, is possible in Liu. The only movement of the lid and box (i.e., the two half shells) while the flexible strip 24 is mutually engaged is a hinging or articulating movement around a groove 243 located in the flexible strip 24. Liu, col. 3, lines 11-18. This is particularly apparent from Fig. 4 of Liu which shows that when the buckle type connection means is engaged that only a pivoting movement around groove 243 would be possible. In other words, when the container of Liu is in the open position with the connection means engaged, the only potential movement of the cover and the box is an articulation about the groove 243 defined as the hinge point (Liu, Col. 3, Lines 11-18). A limited movement of one half-shell relative to the other in a direction perpendicular to the plane of the mouth is not possible with the articulation means of the connection means of Liu which is simply a hinge.

In the Response to Arguments of the April 7, 2010, Office Action (page 8), it is stated that "when the second connection [of Liu] is attached, the tab 24 (Figure 1) with

the anchor would limit the movement upward since it would encounter the bridge of the female element.” This statement describes one of the critical differences between the connection means of Liu and the connection means of claim 12. In Liu, the connection means do not permit any movement other than the articulating motion. On the other hand, claim 12 requires that the connection means “permit a limited movement of one half-shell relative to the other in a direction perpendicular to the plane of the mouth of the two half-shells.” (emphasis added).

Neely is cited as disclosing features not found in Liu. In particular, Neely is cited as describing a “male element having a generally anchor-shaped configuration with resilient anchoring ends and comprising a pair of substantially parallel, resilient prongs separated by a slot” and a “female element is formed by a bridge-like wall defining an open-ended slot in which the male element can be inserted and wherein said anchoring ends can engage the sidewalls delimiting the open-ended slot.” However, Neely fails to disclose several of the limitations for which it is cited.

First, the male element of Neely does not have a “generally anchor-shaped configuration.” As seen in Figs. 1 and 2 of the present application and as would be understood by one of skill in the art, “anchor-shaped” means that each prong has an anchoring end (identified by reference number 22a and 22b) that is generally V or U-shaped.

Second, Neely fails to disclose or suggest a “female element [which] is formed by a bridge-like wall defining an open-ended slot in which the male element can be inserted and wherein said anchoring ends can engage the sidewalls delimiting the open-ended slot” as required by claim 12. Specifically, the prongs 82, 84 of the male

portion of Neely have a projection 86 which engages with the bridge portion of female element 88. These prongs (i.e., anchoring ends) would contact the bridge portion of the female element but would not engage the sidewalls which delimit the open-ended slot as required by claim 12.

For all of the above reasons, Liu in combination with Neely does not disclose or suggest all of the limitations of claim 12. Applicant respectfully requests the rejections over Liu in view of Neely be withdrawn.

Claims 8 and 13 depend from claim 12, which is believed to be allowable over Liu and Neely for the reasons explained above. Therefore, claims 8 and 13 are allowable as depending from an allowable base claim. Applicant respectfully requests the rejections over Liu and Neely be withdrawn.

Claim 9 is rejected under 35 U.S.C. § 103(a) as being obvious over Liu in view of Neely and U.S. Publication No. 2002/0008106 to Bezek et al. As discussed above, Liu and Neely fail to disclose or suggest all of the features of amended claim 12. Claim 9 depends from claim 12, which is believed to be allowable for the reasons explained above. Therefore, claim 9 is allowable as depending from an allowable base claim.

Claims 10-12 are rejected under 35 U.S.C. § 103(a) as being obvious over WO 93/00267 to Ferrero ("Ferrero") in view of Liu and Neely. The Office Action concedes that Ferrero fails to disclose the "second connection means" (upon entry of the above amendments "second connection means" is changed to "connection means") and cites to Liu and Neely as disclosing these limitations. As discussed above, Liu and Neely fail to disclose or suggest all of the limitations of the connection means and therefore the combination of Ferrero, Liu and Neely cannot disclose all of the limitations of claim 12.

Claims 10 and 11 depend from claim 12, which is believed to be allowable for the reasons explained above. Therefore, claim 10-11 are allowable as depending from an allowable base claim. Applicant respectfully requests the rejections over Ferrero in view of Liu and Neely be withdrawn.

In view of the above amendments and remarks hereto, Applicant believes that all of the Examiner's rejections set forth in the Office Action been fully overcome and that the present claims fully satisfy the patent statutes. Applicant, therefore, believes that the application is in condition for allowance. The Director is authorized to charge any fees or overpayment to Deposit Account No. 02-2135.

The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ryan P. Wallace", is written over a horizontal line.

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